

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ARBUTUS BIOPHARMA CORPORATION)	
and GENEVANT SCIENCES GMBH,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 22-252 (MSG)
)	
MODERNA, INC. and MODERNATX, INC.)	JURY TRIAL DEMANDED
)	
Defendants.)	

DEFENDANTS' PARTIAL MOTION TO DISMISS
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12(B)(6)

Pursuant to Federal Rule of Civil Procedure 12(b)(6) and 28 U.S.C. § 1498(a), Defendants Moderna, Inc. and ModernaTX, Inc. (collectively, “Moderna”) respectfully move to dismiss, with prejudice, the claims of Plaintiffs Arbutus Biopharma Corporation’s and Genevant Sciences GmbH’s Complaint relating to Moderna’s sale and provision of COVID-19 Vaccine doses to the U.S. Government. The grounds for this motion are set forth more fully in Moderna’s opening brief, submitted herewith.

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May 6, 2022

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MODERNA, INC. and MODERNATX, INC.)	
)	
Defendants.)	

[PROPOSED] ORDER

At Wilmington this _____ day of _____, 2022:

IT IS HEREBY ORDERED that Defendants Moderna, Inc.'s and ModernaTX, Inc.'s Partial Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6) is **GRANTED** and Plaintiffs' claims relating to Moderna's sale and provision of COVID-19 Vaccine doses to the U.S. Government are **DISMISSED** with prejudice.

The Honorable Mitchell S. Goldberg
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on May 6, 2022, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on May 6, 2022, upon the following in the manner indicated:

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